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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 212/083
Anticipated Class 435

The Commissioner of Patents and Trademarks
Washington, DC 20231

This is a request for filing a

[] Continuation
[X] Divisional
ET AL
1-00
application under 37 CFR § 1.60, of pending prior application Serial No. 08/200,866, filed February 22, 1994, of
James J. Hogan, Jo Ann Kop, Richard Dana Smith and Sherrol H. McDonough for NUCLEIC ACID PROBES FOR
DETECTION AND/OR QUANTITATION OF NON-VIRAL ORGANISMS.

1. [X] Enclosed is a true copy of the prior application PCT/US87/03009 filed November 24, 1987, which entered the national phase on December 9, 1988 as U.S. Application Serial Number 07/295,208. U.S. Application Serial No. 08/200,866 is a file wrapper continuation of U.S. Application Serial No. 07/806,929 (filed 12/11/91) which is a file wrapper continuation of U.S. Application Serial No. 07/295,208.

2. [X] The filing fee is calculated below:

PRIOR CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

For	Number Filed	Less	Rate	Basic Fee
Total Claims Presented	30	(-20)	<u>10</u> x \$22.00	\$ 220.00
Independent Claims Presented	1	(-3)	— x \$76.00	.00
Multiple Dependent Claims Presented	0		+ \$240.00	.00
Basic Fee (\$730.00)				730.00
TOTAL FILING FEE				<u>\$ 950.00</u>

"Express Mail" mailing label number TB653454010US

Date of Deposit May 30, 1995

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Donna Lee Stone
(Typed or printed name of person mailing paper or fee)

Donna Lee Stone
(Signature of person mailing paper or fee)

3. ☒ The Commissioner is hereby authorized to charge all filing fees under 37 CFR § 1.16 and § 1.17 associated with this communication which may be required or credit any overpayment to Deposit Account No. 12-2475. A triplicate copy of this sheet is enclosed.

4. ☐ A verified statement that this filing is by a small entity
☐ is **attached**
☐ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

Filing fee calculation (50% of above) \$ _____

5. ☒ A check in the amount of \$ 950.00 is enclosed.

6. ☒ Cancel claims 31-329

7. ☒ Amend the specification by deleting the first sentence on Page 1 reading "Continuation-In-Part of Hogan et al., App. Ser. No. 083,542 filed August 7, 1987, which is a Continuation-In-Part of Hogan et al., App. Ser. No. 934,244 filed November 24, 1986." and inserting before the first line the sentence: This is a division of Hogan et al., U.S. Application Serial No. 08/200,866, filed February 22, 1994, which is file wrapper continuation of Hogan et al., U.S. Application Serial No. 07/806,929, filed December 11, 1991, now abandoned, which is a file wrapper continuation of Hogan et al., U.S. Serial Number 07/295,208, filed December 9, 1988, now abandoned, which was the National filing of PCT/US87/03009, filed November 24, 1987, which is a continuation-in-part of Hogan et al., U.S. Application Serial No. 07/083,542, filed August 7, 1987, now abandoned, which is a continuation-in-part of Hogan et al., U.S. Serial No. 06/934,244, filed November 24, 1986, now abandoned, the entirety of each of these prior applications including the drawings are hereby incorporated by reference herein. --

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

9. ☐ New formal drawings are enclosed.

10. ☒ The prior application is assigned to GEN-PROBE INCORPORATED

11. ☒ The power of attorney in the prior application is to: LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90017

- a. ☒ The power appears in the original papers in the prior application.
b. ☐ As the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
c. ☐ A new power of attorney has been executed to _____.
d. ☒ Kindly recognize as associate attorney: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; F.T. Alexandra Mahaney, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthon C. Chen, Reg. No. 38,673; of LYON & LYON, 611 West Sixth Street, Los Angeles, California 90017, telephone (619) 552-8400.

12. ☐ A preliminary amendment is enclosed.

13. ☒ I hereby verify that the attached papers are a true copy of prior application PCT/US87/03009, as originally filed on November 24, 1987, which entered the National Phase in the United States on December 9, 1988, as Serial Number 07/295,208. Also enclosed is a true copy of the File Wrapper Continuation Application papers for U.S. Application Serial Number 07/806,929 and U.S. Application Serial Number 08/200,866.

14. [] An Information Disclosure Statement is enclosed. All art referred to therein is present in the parent application _____.

15. [X] Please delete Jo Ann Kop and Sherroll H. McDonough as named inventor(s), due to cancellation of claims. The enclosed application should list James J. Hogan and Richard Dana Smith as named inventor(s).

16. [X] Address all correspondence to: Douglas E. Olson, Esq., at LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California, 90071.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

May 30, 1995

Date



Sheldon O. Heber

1. Registration No. 38,179